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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,315	10/22/1998	SHIGENOBU MAEDA	0057-2362-2Y	8038
22850 7	7590 05/05/2003			
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			EXAMINER	
1940 DUKE S' ALEXANDRI	JKE STREET NDRIA, VA 22314		CRANE, SARA W	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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	<u> </u>		<u>in</u>
•	Application No.	Applicant(s)	ω.
. Advisory Action	09/176,315	MAEDA ET AL.	
	Examiner	Art Unit	
	Sara W. Crane	2811	
The MAILING DATE of this communication appo	ears on the cover sheet with the c	correspondence addre	ess
THE REPLY FILED 02 April 2003 FAILS TO PLACE THE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (condition for allowance; (2) a timely filed Notice of Appe Examination (RCE) in compliance with 37 CFR 1.114.	avoid abandonment of this applic 1) a timely filed amendment whi eal (with appeal fee); or (3) a time	cation. A proper replication of the calculus and calculus and calculus applications.	ly to a ation in
PERIOD FOR RE	EPLY [check either a) or b)]		
a) The period for reply expires 3 months from the mailing date of this Adevent, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The datase been filed is the date for purposes of determining the period of extensions of the shortened by above, if checked. Any reply received by the Office later than three meanned patent term adjustment. See 37 CFR 1.704(b).	visory Action, or (2) the date set forth in the nan SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE ate on which the petition under 37 CFR 1.1 ission and the corresponding amount of the distatutory period for reply originally set in	f the final rejection. E FINAL REJECTION. Se 36(a) and the appropriate fee. The appropriate extention or (2)	ee MPEP extension fee nsion fee under 2) as set forth in
<ol> <li>A Notice of Appeal was filed on Appellant 37 CFR 1.192(a), or any extension thereof (37 CF</li> </ol>	•		
2. The proposed amendment(s) will not be entered be	pecause:		
(a) 🗌 they raise new issues that would require furth	er consideration and/or search (	see NOTE below);	
(b) $\square$ they raise the issue of new matter (see Note	below);		
(c) they are not deemed to place the application issues for appeal; and/or	in better form for appeal by mat	erially reducing or si	mplifying the
(d) they present additional claims without cance NOTE:	ling a corresponding number of	finally rejected claim	S.
 3.☐ Applicant's reply has overcome the following reject	etion(s):		
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	I be allowable if submitted in a s	eparate, timely filed	amendment
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: Se	or reconsideration has been cons see Continuation Sheet.	sidered but does NO	Γ place the
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which were	e newly
7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w			nd an
The status of the claim(s) is (or will be) as follows:	:		
Claim(s) allowed:			
Claim(s) objected to: 6-16 and 19.			
Claim(s) rejected: 1-5 and 18.			
Claim(s) withdrawn from consideration: 17 and 20			
8. The proposed drawing correction filed on is	a) approved or b) disapp	proved by the Exami	ner.
9. Note the attached Information Disclosure Stateme	ent(s)( PTO-1449) Paper No(s).		
0. Other:		Sara W. Crane Primary Examiner Art Unit: 2811	ne

U.S. Patent and Trademark Office PTO-303 (Rev. 04-01) Continuation of 5. does NOT place the application in condition for allowance because: See reasons of record. Applicant argues that the recessed region 20 of Chen et al. is not the transistor body. Examiner agrees. The recessed region 20 is the body link, which links the transistor body to the substrate contact 39. Figure 3 shows that the recessed layer is a continuous sheet that extends from the transistor bodies to the substrate contact 39, and thus provides the electrical path between the transistor bodies and the substrate contact 39. Applicant also argues that the Chen RC constant does not include the gate capacitance. Examiner disagrees. The RC constant referenced by Chen et al. is the total RC constant, which would include all sources of capacitance, including the gate capacitance. Applicant objects to the examiner's reliance on secondary references to show definitions of terms known in the art. Examiner believes that such evidence is admissible for the purposes noted, i.e., to show what definitions one of ordinary skill in the art would adopt for terms such as the "body" of a transistor. Applicant argues that the examiner's consideration of the novelty and obviousness of structure is somehow novel in the patent law. Applicant's claim limitations are expressed solely in terms of the structure produced by the process steps claimed, however. Note also that claims 3 and 4 are drawn specifically to a device. The equation of claims 5 and 18 expresses the relationship between resistivity of the material and the resistance of a specific volume of that material along a path. There is no other way to calculate the resistance.